THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :6101 of 2006

DATED:18-06-2007

BETWEEN:

Kanuganti Raja Kumari.

..... PETITIONER

AND

The Government of A.P.,
Rep., by its Principal Secretary,
Home Department,
Secretariat,
Hyderabad & 3 others.

.....RESPONDENTS

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ORDER:

Heard learned counsel appearing for the petitioner; learned Government Pleader for Home and the learned counsel appearing for the respondents.

2. Petitioner seeks a writ of mandamus declaring the action of the 2nd respondent in not providing security to the petitioner and her workers working at plot Nos.136, 137 and 138 situated at Bhoodevinagar, Venkaappuram, Alwal, Rangareddy District, in furtherance of the injunction order dated 21-04-2005, granted by competent civil Court, as illegal and arbitrary.

3. Counter has been filed by the 2nd respondent stating that the dispute between the petitioner and him is civil in nature and therefore the pursuant to the petitioner's written intimation, dated 07-03-2006, making certain allegations against the unofficial respondents regarding interference with the order of the Civil Court and to provide police protection the same was entered into general diary on 08-03-2006 and preliminary enquiry was conducted into the representation. On enquiry it was revealed that the suit filed by the 3rd respondent in O.S.No.460 of 2000 on the file of the Principal Junior Civil Judge, Rangareddy District was decreed in respect of the land in Sy.No.395, and that there is no specific allegation against the official respondents herein except seeking

protection.

4. Learned counsel appearing for the 3rd respondent submits that in fact, the suit filed by the petitioner in O.S.No.778 of 2002 was dismissed on 31-07-2006 and C.M.A.No.81 of 2005 was filed by the 3rd respondent and as the suit itself was dismissed the said appeal was closed.

5. I am not inclined to express any opinion with regard to the civil disputes pending between the petitioner and the unofficial respondents, and the 2nd respondent has rightly taken the stand that as the disputes between the petitioner and him are purely civil in nature, police cannot extend protection either to the petitioner or to the 3rd respondent. Unless the civil rights are finally decided by the competent civil Court, police cannot interfere with or extend any police protection. If there is any civil dispute and the rights have been finally declared on an application of the rightful owner it is the duty of the police to render necessary protection, but however, in view of the disputes pending in respect of the property in question police cannot extend any protection to the petitioner.

6. Accordingly, the Writ Petition is dismissed. No order as to costs.

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V.ESWARAIAH,J

18th June, 2007.
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